

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office **OCT 20 1983**

Returned to applicant for correction

Corrected application filed Map filed **OCT 20 1983**The applicant Newmont Exploration Ltd.P. O. Box 368 of ElkoNevada 89801 Street and No. or P.O. Box No. City or TownState and Zip Code No. hereby make^s application for permission to change the
Point of Diversion and Place of UsePoint of diversion, manner of use, and/or place of useof water heretofore appropriated under Application 43924
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree andidentify right in Decree.)

1. The source of water is Underground
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 6.0 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Mining and Milling
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Mining and Milling
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T 31 N, R 53 E.
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.
MDB & M., at a point from which the SW corner of Section 34, T 32 N, R 53 E,
MDB & M., bears N 54° 25' 19" W 14018.56 feet.
6. The existing permitted point of diversion is located within SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T 32 N, R 53 E,
If point of diversion is not changed, do not answer.
MDB & M., at a point from which the SW corner of Section 34, T 32 N, R 53 E,
MDB & M., bears S 65° 44' 03" W 7391.01 feet.
7. Proposed place of use E $\frac{1}{2}$ Section 8; All of Sections 1, 3, 10, 12 & 14, T31N, R53E, MDB&M; All of Sections 34
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
&35, T32N, R53E, MDB&M; All of Section 31, T32N, R54E, MDB&M., All of Sections
4, 5, 6 & 18, T31N, R54E, MDB&M.
8. Existing place of use E $\frac{1}{2}$ Section 8, All of Sections 1,3,10,12 & 14, T31N, R53E, MDB&M:
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.
All of Sections 34 & 35, T32N, R53E, MDB&M., All of Section 31, T32N, R54E,
MDB&M., All of Sections 5, 6 & 18, T31N, R54E, MDB&M.
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) This water to be used for exploratory
State manner in which water is to be diverted, i.e. diversion structure, ditches,
drilling of a mineral deposit.
pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$20,000
13. Estimated time required to construct works 3 years

5 years

14. Estimated time required to complete the application of water to beneficial use.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Annual consumptive use is 1,415,000,000. If the exploration drilling proves
out an ore body, then this water would be used for mining and milling of the
ore body.

By s/Alan S. Boyack
Alan S. Boyack, Agent
515 South Fifth Street, Elko, Nevada 89801

Compared bc/bl 11/bc

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 43924 is issued subject to the terms and conditions imposed in said Permit 43924 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

The total combined duty of water under Permits 43925, 44052, 44056, 46346, 46347 and 47341 shall not exceed 587.8 million gallons annually.

The total combined diversion rate of Permits 43925, 44052, 44056, 46346, 46347 and 47341 shall not exceed 6.0 c.f.s.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal, and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 6.0 cubic feet per second, but not to exceed 587.8 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before October 23, 1987

Proof of completion of work shall be filed before November 23, 1987

Application of water to beneficial use shall be made on or before October 23, 1992

Proof of the application of water to beneficial use shall be filed on or before November 23, 1992

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed..... IN TESTIMONY WHEREOF, I PETER G. MORROS

Proof of beneficial use filed..... State Engineer of Nevada, have hereunto set my hand and the seal of

Cultural map filed..... my office, this 20TH day of FEBRUARY

Certificate No..... Issued.....

A.D. 1985

2407 (Rev. 6-81)

State Engineer

WITHDRAWN BY APPLICANT

DEC 09 1998

Richard P. [Signature] STATE ENGINEER

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

This permit totally abrogates Permit 43924.